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08/180,613 01/13/94 KATO

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EXAMINER

RAO, A

26N2/0519

ART UNIT

PAPER NUMBER

1

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2615

DATE MAILED:  
05/19/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 2/13/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1 - 14 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 1-14 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

**Part III DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments with respect to claims 1-14 filed on 2/13/95 in Paper 8 have been considered but are deemed to be moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3-4, 8-11 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ishibashi et al.

Ishibashi discloses a picture encoding/decoding apparatus and method for forming an encoded picture signal of a layer structure comprising: memory means for storing a first control data included in header data of a predetermined layer (Ishibashi: column 4, lines 28-45; column 6, lines 15-27), comparator means for comparing the first control data with a second control data included in the next header data (Ishibashi: column 4, lines 38-53), and encoding means for transmitting neither the identification data nor the control data if the first and second

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control data are mutually the same, or for transmitting the identification data and the second control data if the first and second control data differ (Ishibashi: column 5, lines 5-50; column 6, lines 15-50) as in claims 1, 3, 8, 10 and 13.

Regarding claims 4 and 11, the Ishibashi encoding apparatus and method further includes means for detecting the non-existence of the control data when the identification data is absent (Ishibashi: column 6, lines 34-47) as in the claims.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claims 2, 5, 9, 12 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Ishibashi in view of Raychaudhuri et al.

Ishibashi discloses an encoding method and apparatus using the conditional transmission of layered header data to a companion decoder as expressed in claims 1, 3, 8, 10 and 13. However, the Ishibashi reference does not disclose that the layered header data is formatted along MPEG protocols, including a video sequence layer, a GOP layer, a picture layer, a slice layer, and a block layer as claims 2, 5, 9, 12 and 14. The layered MPEG header protocol for use with a picture encoding/decoding apparatus is shown in Raychauduri (Raychauduri: column 9, lines 51-68; column 10, lines 1-14) and the conditional transmission of an layered MPEG header is further suggested by the secondary reference (Raychauduri: column 14, lines 9-18). It would be obvious to one of ordinary skill in the art to implement conditional transmission executed by the Ishibashi system for layered MPEG headers as suggested by Raychauduri in order to adapt the Ishibashi apparatus to the MPEG standard. The Ishibashi apparatus and method modified by the inclusion of the layered MPEG headers has all of the features of claims 2, 5, 9, 12 and 14.

6. Claim 6 rejected under 35 U.S.C. § 103 as being unpatentable over Ishibashi in view of Fujinami.

Ishibashi discloses an encoding method and apparatus using the conditional transmission of layered header data to a companion decoder as expressed in claim 6. However, Ishibashi does not particularly disclose the use of a recording medium in

conjunction with the encoding and decoding apparatus as claimed. Fujinami discloses the use of a recording medium in an encoding/decoding apparatus and method for transmission of header control information (Fujinami: column 6, lines 32-49). It would be obvious to one of ordinary skill in the art to incorporate a recording medium into the Ishibashi apparatus in order to provide the operator of the Ishibashi apparatus with post-event examination of the transmitted video information (Ishibashi: column 5, lines 38-60). The Ishibashi apparatus and method now incorporating a recording medium has all of the features of claim 6.

7. Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Ishibashi in view of Fujinami as applied to claim 6 above, and further in view of Raychauduri et al.

Ishibashi in view of Fujinami discloses an encoding method and apparatus using the conditional transmission of layered header data in conjunction with a recording medium as expressed in claim 6. However, the combination of the two references fails to disclose that the layered header data is formatted along MPEG protocols, including a video sequence layer, a GOP layer, a picture layer, a slice layer, and a block layer as in claim 7. The layered MPEG header protocol for use with a picture encoding/decoding apparatus is shown in Raychauduri (Raychauduri: column 9, lines 51-68; column 10, lines 1-14) and the conditional transmission of an layered MPEG header is further suggested by

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the Raychauduri reference (Raychauduri: column 14, lines 9-18). It would be obvious to one of ordinary skill in the art to implement conditional transmission executed by the composite Ishibashi-Fujinami system for layered MPEG headers as suggested by Raychauduri in order to further adapt the Ishibashi-Fujinami apparatus to the MPEG standard. The Ishibashi-Fujinami apparatus and method modified by the inclusion of the layered MPEG headers as shown by Raychauduri has all of the features of claim 7.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kinoshita discloses a video signal transmitting method and equipment for same.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Rao whose telephone number is (703) 305-4813.

AR  
asr  
May 3, 1995

  
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SUPERVISORY PATENT EXAMINER  
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